

Exhibit 11

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

TERRY A. RIGGLEMAN,

Plaintiff,

V.

Civil Action No. 5:17-cv-00063

HAROLD CLARKE, in his individual
And official capacities and
MARK AMONETTE, in his individual
And official capacities,

Defendants.

CONSENT DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and this Court's January 12, 2018, Pretrial Order, the parties, by and through their respective counsel, submit the following Proposed Discovery Plan to the Court:

1. Pursuant to Fed. R. Civ. P. 26(f), a conference was held on January 25, 2018, attended by counsel for all parties to this litigation.
2. Pursuant to this Court's January 12, 2018, Pretrial Order, counsel for the parties have agreed to amend the order's disclosure and discovery provisions by submitting an agreed written plan that satisfies the requirements of Rule 26(f). Accordingly, the parties agree to the following Discovery Plan.
3. The trial of this matter is scheduled for **May 13 - 24, 2019**, in the United States District Court for the Western District of Virginia, Charlottesville Division.
4. Any motion for joinder of other parties or amendment of the pleadings must be filed by **July 15, 2018**.

5. All discovery including fact and expert discovery shall be completed at least 90 days prior to trial, or on or before **February 12, 2019**. This schedule requires that written discovery be served in sufficient time to allow the responding party time to respond before the cutoff date for discovery.

6. The parties propose that they will serve initial disclosures as required by Rule 26(a)(1) on or before **February 12, 2018**, and anticipate that, except as otherwise specifically set forth in paragraph 5, they shall be able to comply with the limitations and requirements set for in the applicable rules.

7. Plaintiff shall be permitted to take a total of twenty (20) non-party depositions, and Defendants shall also be permitted to take a total of twenty (20) non-party depositions.

8. Subject to its existence, ESI should be produced in either native or PST format and PDF subject to the standard defenses to discovery set forth in Fed. R. Civ. P. 26. If metadata is requested for specific materials that have not been produced, the parties should cooperatively discuss producing the documents in native format and attempt to reach agreement. The parties may request that their representative ESI specialists (from DTI or similar firm) coordinate with responding party to conduct the search of ESI to the maximum extent permitted under Rule 34 and controlling law. The parties should agree to cooperate to achieve the goals of Federal Rule of Civil Procedure 1 “to secure the just, speedy, and inexpensive determination” of this action. If a request for production is issued, the parties should agree to confer in an attempt to reach agreement regarding the method of culling voluminous materials, search terms, date limitations, and custodians of the data. If necessary, the parties should reconvene to discuss any revision to the search term list before a final application of such terms is made against the data set. If they cannot reach agreement, they should jointly seek guidance from the Court. The responding party

should then produce responsive materials in a mutually agreeable format. With respect to the inadvertent disclosure of privileged documents or information, it is the intention that this Order shall operate to the fullest extent possible under Federal Rule of Evidence 502.

9. The parties propose that Plaintiff's Rule 26(a)(2) Expert Disclosures shall be made 150 days before trial, or on or before **December 14, 2018**. Further, the parties propose that Defendants' Rule 26(a)(2) Expert Disclosures shall be made 120 days before trial, or on or before **January 13, 2019**.

10. The parties agree that expert drafts and/or communication between counsel for any party and their expert(s) shall be non-discoverable.

11. All depositions taken by the proponent of a witness for presentation in evidence in lieu of the appearance of the witness at trial shall be concluded 30 days prior to trial, or on or before **April 12, 2019**.

12. The parties shall exchange and file with the court their Rule 26(a)(3) disclosures 21 days prior to trial, or on or before **April 22, 2019**.

13. The parties shall file objections to any parties' Rule 26(a)(3) disclosures 14 days prior to trial, or on or before **April 29, 2019**.

14. The parties shall file proposed jury instructions and special interrogatories with the court 7 days prior to trial, or on or before **May 6, 2019**.

15. Dispositive motions, to include motions to exclude the testimony of an expert, shall be filed no later than 75 days prior to trial, or on or before **February 27, 2019**, and must be argued or otherwise submitted for decision by no later than **March 29, 2019**. To the extent the parties agree that any dispositive motion may be decided without argument, the parties shall advise the Court to this effect no later than 14 days after the filing of the last brief on the motion.

16. Motions in limine must be filed at least 14 days prior to trial, or on or before **April 29, 2019**. Opposition briefs to any motion in limine must be filed with the clerk at least 7 days prior to trial, or on or before **May 6, 2019**.

17. The parties shall jointly file a proposed pretrial order no later than 7 days prior to trial, or on or before **May 6, 2019**.

18. The parties currently contemplate that a trial in this matter will take 10 days with a jury.

19. The parties agree that nothing in this discovery plan shall preclude any party from seeking an extension of any deadline contained herein.

20. Below is a summary of Agreed Discovery Deadlines:

February 12, 2018	Rule 26(a)(1) Initial Disclosures
July 15, 2018	Deadline to file motions for joinder of parties or amendment of pleadings
December 14, 2018	Plaintiff's Rule 26(a)(2) Expert Disclosures
January 13, 2019	Defendants' Rule 26(a)(2) Expert Disclosures
February 12, 2019	Deadline to Complete Discovery
February 27, 2019	Deadline to file dispositive motions (to include motions to exclude expert witness testimony)
March 29, 2019	Deadline for hearing on dispositive motions
April 12, 2019	Depositions in lieu of trial appearance
April 22, 2019	Rule 26(a)(3) Disclosures and exchange of exhibits
April 29, 2019	Deadline to file motions in limine
May 6, 2019	Parties to file proposed jury instructions and special interrogatories

Deadline to file opposition to motion in limine

Parties to file integrated pretrial order

May 13-23, 2019

Jury trial

Dated: January 30, 2018

Respectfully submitted,

MARK AMONETTE, MD
and
HAROLD CLARKE

/s/ Elizabeth Muldowney
Edward J. McNelis, III (VSB #34003)
Elizabeth M. Muldowney (VSB #46387)
Sands Anderson, PLC
1111 East Main Street, Suite 2400
P. O. Box 1998
Richmond, VA 23218-1998
Tel: (804) 783-7227
Fax: (804) 783-7291
EMuldowney@sandsanderson.com
EMcnelis@sandsanderson.com
Counsel for Defendants

TERRY RIGGLEMAN

/s/

Mario Bernard Williams
Andrew Ready Tate
Nexus Caridades Attorneys, Inc.
44 Broad Street, NW, Suite 200
Atlanta, GA 30303
404-654-0288
Fax: 404-592-6255
mario@goodgeorgialawyer.com
mwilliams@nexuscaridades.com

Jessica Nichole Sherman-Stoltz
Nexus Caridades Attorneys, Inc.
113 Mill Place Pkway, Suite 105A
Verona, VA 24482
540-255-4365
Fax: 540-301-8158
jestoltz@nexuscaridades.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following:

Jessica Nichole Sherman-Stoltz
Nexus Caridades Attorneys, Inc.
113 Mill Place Pkway, Suite 105A
Verona, VA 24482
540-255-4365
Fax: 540-301-8158
Email: jstoltz@nexuscaridades.com

Mario Bernard Williams
Andrew Ready Tate
Nexus Caridades Attorneys, Inc.
44 Broad Street, NW, Suite 200
Atlanta, GA 30303
404-654-0288
Fax: 404-592-6255
Email: mario@goodgeorgialawyer.com
Email: mwilliams@nexuscaridades.com

s/ Elizabeth M. Muldowney
Edward J. McNelis, III, VSB no. 34004
Elizabeth M. Muldowney, VSB no. 46387
Sands Anderson, PC
1111 East Main Street, Suite 2400
P.O. Box 1998
Richmond, Virginia 23218-1998
emcnelis@sandsanderson.com
emuldowney@sandsanderson.com
Attorneys for Defendants Harold Clarke and Mark Amonette, MD



Andrew Tate <atate@ndhlawyers.com>

Rigglesman v. Clarke

Muldowney, Elizabeth M. <EMuldowney@sandsanderson.com>
To: Andrew Tate <atate@nexuscaridades.com>

Fri, Jan 26, 2018 at 9:11 AM

Andrew:

My apologies for just responding. How about 12p?

FYI – I am working with the DOC on the SDT you sent which we received on 1/13. You had a response date of 1/25 and I will need a few more days to get this to you. Would you agree to extending this deadline to Monday? Also, we can discuss the request regarding the ESI on our call today after our 26f conference if that works.

Elizabeth M. Muldowney*Attorney***Sands Anderson PC**

1111 East Main Street, Suite 2400 | P.O. Box 1998 | Richmond, VA 23218-1998
(804) 783-7227 Direct | (804) 648-1636 Main | 804-783-7291 Fax
www.SandsAnderson.com | EMuldowney@sandsanderson.com | Bio | vCard

NOTICE from Sands Anderson PC: This message and its attachments are confidential and may be protected by the attorney/client privilege. If you are not the named addressee or if this message has been addressed to you in error, you are directed not to read, disclose, reproduce, distribute, disseminate or otherwise use this transmission. Please notify the sender immediately by e-mail and delete and destroy this message and its attachments.

From: Andrew Tate [<mailto:atate@nexuscaridades.com>]
Sent: Thursday, January 25, 2018 1:29 PM

[Quoted text hidden]

[Quoted text hidden]